

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Cody	Team: Team # 6	CCRB Case #: 200700761	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/13/2007 10:08 PM	Location of Incident: § 87(2)(b)	Precinct: 71	18 Mo. SOL 7/13/2008	EO SOL 7/13/2008	
Date/Time CV Reported Sun, 01/14/2007 5:28 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 01/17/2007 1:46 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. SGT Eric Delman	01832	922228	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kenny Valladares	00783	935898	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: At Union Street and Utica Avenue, an officer pointed his gun at § 87(2)(b)	§ 87(2)(b)
B.SGT Eric Delman	Abuse: At § 87(2)(b) Sgt. Eric Delman searched § 87(2)(b)	§ 87(2)(b)
C.SGT Eric Delman	Abuse: In the 71st Precinct, Sgt. Eric Delman threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Synopsis

§ 87(2)(b) filed this complaint with IAB via phone on January 14, 2007. § 87(2)(b) also filed a complaint with IAB via phone on January 16, 2007. This case was referred to the CCRB and received on January 17, 2007. § 87(2)(b) was contacted on February 7, 2007 and stated that on January 13, 2007, at approximately 10:08pm, he was at the intersection of Union Street and Utica Avenue in Brooklyn when PO1 (Hispanic male, plainclothes, late 30's, 5'9", black hair, 210-pounds) got out of the passenger side of an unmarked car and jumped out at an individual. PO1 then turned to § 87(2)(b) and said in a normal tone, "Yo, come here, don't run." § 87(2)(b) looked at PO1 and asked him why he had to come to him, saying, "I didn't do anything." PO1 had his gun drawn and pointed at § 87(2)(b) at that point. § 87(2)(b) then turned and ran and PO1 began chasing § 87(2)(b). The driver of the unmarked car then began driving after § 87(2)(b) as well.

§ 87(2)(b) ran to § 87(2)(b) and hid in the garage in the backyard. PO1 found § 87(2)(b) grabbed his hand and PO2 (white male, plain clothed, dirty blonde hair, 5'9") grabbed his feet. The officers threw him to the floor of the garage and handcuffed him. The officers then brought him outside into the backyard of the house and Sgt. Eric Delman (shield 1832, uniformed) started searching § 87(2)(b)'s boxers. At the same time, PO1 opened up § 87(2)(b)'s jacket, felt his sweater, went into his pant pockets and then his jacket pocket. Inside his jacket pocket PO1 found a bag of marijuana. § 87(2)(b) said that the marijuana was not recently purchased but had been in his jacket for a while.

At the 71st Precinct, Sgt. Delman told another officer to take off his shirt so that § 87(2)(b) could not see this other officer's badge number. Sgt. Delman threatened to taser § 87(2)(b) but never did.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(b) was contacted on January 28, 2007. § 87(2)(b) had not been present during this incident but said that when she picked up § 87(2)(b) he told her he wasn't beaten up but that the officers had gone in his underwear. Since the officers did not use any force on him, she did not want to pursue her complaint. She explained that she was withdrawing her complaint of her own free will and that no member from the NYPD and/or members of the CCRB influenced her decision to withdraw her complaint. Assistant Supervisor Alex DeSantis reviewed her withdrawal on tape § 87(2)(b) "Contacts 200700761" and concluded that her withdrawal adhered to agency standards. § 87(2)(b) was sent a complaint withdrawal letter. She signed and returned the letter to the CCRB and the letter is enclosed within the case file. § 87(2)(b) was called five times between January 28, 2007 and February 7, 2007. On February 7, 2007, § 87(2)(b) scheduled an interview at the CCRB for February 13, 2007, which he failed to appear for. On February 14, 2007, he was mailed a missed appointment letter. Between February 14, 2007 and February 16, 2007, § 87(2)(b) was called an additional three times. On January 24, 2007, § 87(2)(b) was mailed a first please-call letter and on February 16, 2007, § 87(2)(b) was mailed a final please-call letter. To date, § 87(2)(b) has not contacted the undersigned investigator and no "return to sender" letter has been mailed back to the CCRB. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: